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28 August 1999

Dockets Management Branch (HFA-305)
Food and Drug Administration
12420 Parklawn Drive (Room 1-23)
Rockville, MD 20857

Re: Citizens Petition to Amend Peanut Spread Regulation (21 CFR 102.23) dated 16 Feb 1999.

Dear Ms/Sir:

It has come to my attention (Food Labeling and Nutrition News (7 (20): 10, Jul 14, 1999) that three food processors for the retail market i.e. Proctor and Gamble, Best Foods, and Hunt Wesson; and the American Peanut Council; and the American Peanut Farmers Federation; and now the American Peanut Sheller Association in concurrence, have petitioned the FDA to remove the fortification requirements for peanut spread. The grounds given are that the nutrients to be removed are no longer seriously deficient in the American diet; and would thus have no significant effect on the nutrient intake of consumers. One might understand this argument relevant to added protein but certainly not for niacin, vitamin B6, folic acid, zinc, magnesium and copper. Somehow the removal of these nutrients from the product will "allow innovation"! That's absurd! The petitioners are admitting that they are interested in cost cutting at the expense of nutritional adequacy rather than interest in innovation. What is needed is a change in the regulation that will allow other innovations in product development, for example in the quantity and composition of fat, decreased allergenicity by modifying the protein etc., without triggering "imitation" classification. It is the fortification with nutrients that should be upheld as innovation.

Let's fix the terminology of the regulation to permit innovation but let us not permit the dilution of the American dietary which is substantially and increasingly dependent for it's total nutrient intakes upon fortificant nutrients (see enclosed Table 2, page 449. Nutrient Addition to Foods, Chapter 24 in *Preventive Nutrition: The comprehensive Guide for Health Professionals*, edited by A. Bendich and R. J. Deckelbaum, Humana Press Inc. Totowa, NJ 1997). Further, because such products impact all Americans, both rich and the poor, the educated and the illiterate, and since the hungry and the poor are <u>not</u> permitted to purchase multivitamin preparations with Food Stamps, promoting the absence of a few Daily Values of nutrients limiting in the US dietary (B6, folic acid, magnesium and zinc) is a questionable ethical stance; and to professionals like myself, downright unacceptable.

What has likely happened in the filing of this petition is "tunnel vision" to either innovate by cost cutting, or plausibly to meet a marketing objective to obtain "novel innovation" possibilities but falsely assuming that from the point of view of nutrition, one food really does not matter. Nutrients are invisible components of food and are thus easily overlooked. We have just recently completed an applied nutrition battle to recognize the importance of folic acid in the diet. The new RDA not only returns the level to 0.4 mg/day but specifically calls for women to obtain 0.4 mg per day as folic acid in addition to food folates (folic acid as a fortificant is more bioavailable). The petition in question would be counter intuitive and should be reworked accordingly. The ideal would be for the companies involved to retract the petition and resubmit it with nutrient delivery intact and the goal to permit "spreads" to incorporate novel advances that would permit more advanced technological and health benefits.

The FDA should reject the petition as submitted on the grounds that that it seeks to permit imitation food that is nutritionally inferior to the original, precisely what the existing regulation was intended to prevent.

Sincerely,

Paul A. Lachance

Paul A. Lachance, Ph.D., D.Sc., F.A.C.N., CNS
Professor of Nutrition and Food Science

Table 2
Percent Nutrient Contribution of Enrichment and Fortification to Foods in the United States[a,b]

	1970[c]	*1985[d]*
Vitamin A	10	13
Vitamin C	10	8
Thiamine (B_1)	40	24
Riboflavin (B_2)	15	20
Niacin (B_3)	20	18
Vitamin B_6	4	6
Folic acid	—	6
Vitamin B_{12}	2	4
Iron	25	24

[a]The contribution of the enrichment and fortification of foods to average nutrient intakes, as estimated from national food consumption survey data, reveals the importance of nutrient addition rationales for public health.

[b]Copyright from The Institute of Food Technologists.

[c]Friend, B. (1970) National Food Situation 142:29.

[d]Lachance PA, Fisher MC, Stanton JL, (1988). Unpublished and Calculated from USDA Continuing Survey of Food Intakes of Individuals 1985.

From: *Preventive Nutrition: The Comprehensive Guide for Health Professional*
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